

Sub: The A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No: 1 of 1986) – Detention of Sri Chappidi Mahesh Naidu, S/o. Raju Naidu, aged about 35 years, R/o. Chappidivandla Palli (V), T.Sundupalli (Md), Kadapa District – Reg.

Ref: From the Collector & District Magistrate, Kadapa District Letter Ref.No.C1/869/M/09, dated 11.12.2009.

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Please see the letter together with its enclosures from the Collector & District Magistrate, Kadapa District at pp 1-195 c.f.

**2.** It is submitted that the Collector & District Magistrate, Kadapa District, has stated that the Divisional Forest Officer, Wildlife Division, Rajampet, Kadapa District has submitted information regarding a spate of illicit Red Sanders felling and smuggling of the same to Chennai and other places by Sri Chappidi Mahesh Naidu, S/o. Raju Naidu, aged about 35 years, R/o. Chappidivandla Palli (V), T.Sundupalli (Md), Kadapa District, five times within a span of one year or so causing great loss to National Wealth and thereby corroding the financial base of the State and that he is habituated to willful destruction of pristine Red Sanders Forests and that he is a source of potential danger to the public well being as his activities are prejudicial to the maintenance of the public order. He has also opined that if, the above person is allowed to be free in General Public, he will instigate the youth to turn as habitual offender in illicit cutting of valued red sanders by organizing them as mafia group in the Public/Society. Hence, the Collector & District Magistrate, Kadapa District passed an order of detention against Sri Chappidi Mahesh Naidu, S/o. Raju Naidu, aged about 35 years, R/o. Chappidivandla Palli (V), T.Sundupalli (Md), Kadapa District, under Section 3(2) of the A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral traffic offenders and Land-Grabbers Act, 1986 (Act No.1 of 1986), who is indulged in illicit cutting, storing, transportation of Red Sanders heartwood causing willful destruction of Red Sanders causing damage to the public property and sought for the approval of the Government.

**3.** As could be seen from the relied upon documents he has indulged in 5 (five) cases, which are registered against him under A.P.Forest Act, 1967 and also u/s. Sec. 34, 107, 120-B, 141, 143, 149, 378, 379 of IPC for illicit cutting, storing, transportation of Red Sanders heartwood causing willful destruction of Red Sanders causing damage to the public property, which is prejudicial to the maintenance of public order. The said offence is in Chapter XVII of IPC and the offence of

similar nature committed repeatedly proves that he is a habitual offender.

In this connection, it is submitted that the said activities of the individual will fall under and within the meaning of the "goonda" as per clause(g) of Section 2 of A.P. Prevention of Dangerous Activities of Boot- Leggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986, and it appears that he is a fit person to be detained under the said Act, in order to prevent him from indulging in such activities, which is prejudicial to the maintenance of public order.

According to Section 3(3) of the said Act, no order of detention made by the Collector and District Magistrate, will remain in force for more than 12 days after making thereof, unless in the meantime, it has been approved by the Government.

In the circumstances, it appears necessary to approve the order of detention made by the Collector & District Magistrate, Kadapa District in the public interest. In the instant case, the approval of the Government has to be accorded on or before **22.12.2009** .

In view of the position indicated above, it is for consideration and orders, whether the said order of detention made by the Collector & District Magistrate, Kadapa District against Sri Chappidi Mahesh Naidu, S/o. Raju Naidu, aged about 35 years, R/o. Chappidivandla Palli (V), T.Sundupalli (Md), Kadapa District, may be approved, under section 3(3) of the said Act.

Subject to orders, two drafts (one draft order and one Wireless Message) are submitted below for approval.

It is submitted that order have been issued in G.O.Ms.No. 456, dated 19.09.2009, among others delegating the powers of C.M. to C.S. to exercise powers in all matters relating to PD cases under the provisions of relevant Acts.

The file may now be submitted to C.S., who stands delegated to exercise the powers of C.M. in all matters relating to Preventive Detentions, for orders on Paras ( 7 & 8 ) above.

ge known to the detenu and report compliance to the Government forthwith)

The Collector & District Magistrate, Kadapa District.

The Divisional Forest Officer, Wildlife Division, Rajampet, Kadapa Dist.

The Superintendent of Police, Kadapa District.

Copy to:

The Director General and Inspector General of Police, A.P., Hyderabad.

The Director General and Inspector General of Prisons and Correctional Services, A.P., Hyderabad.

The Addl. Director General of Police (Intelligence), A.P., Hyderabad.

Sf/sc.

## ABSTRACT

PREVENTIVE DETENTION - The Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986) - Order of Detention made by the Collector & District Magistrate, Kadapa District against Sri Chappidi Mahesh Naidu, S/o. Raju Naidu, aged about 35 years, R/o. Chappidivandla Palli (V), T.Sundupalli (Md), Kadapa District - Approval -Orders - Issued.

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### GENERAL ADMINISTRATION (LAW&ORDER.II) DEPARTMENT

G.O. Rt. No.

Dated :21.12.2009

Read the following:

Order of detention Ref: C1/869/M/09, dated 11.12.2009 of the Collector & District Magistrate, Kadapa District.

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### O R D E R:

Under sub-section(3) of section-3 of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986), Government hereby accord approval of the Order of Detention read above, made by the Collector & District Magistrate, Kadapa District, under the provisions of section-3(2) of the said Act, detaining Sri Chappidi Mahesh Naidu, S/o. Raju Naidu, aged about 35 years, R/o. Chappidivandla Palli (V), T.Sundupalli (Md), Kadapa District.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF THE ANDHRA PRADESH)

P.RAMAKANTH REDDY  
CHIEF SECRETARY TO GOVERNMENT

To  
Sri Chappidi Mahesh Naidu, S/o. Raju Naidu, through the  
Superintendent of Jails, Central Prison, Cherlapalli, R.R. Dist.  
The Superintendent of Jails, Central Prison, Cherlapalli, R.R. District.  
(He should serve the Order on the detenu immediately under  
proper dated acknowledgment and arrange to read over and explain  
the contents of the same in the language known to the detenu and  
report compliance to the Government forthwith)  
The Collector & District Magistrate, Kadapa District.  
The Divisional Forest Officer, Wildlife Division, Rajampet Dist.  
The Superintendent of police, Kadapa District.

#### Copy to:

The Director General and Inspector General of police, A.P., Hyderabad.  
The Director General and Inspector General of prisons and Correctional  
Services, A.P., Hyderabad.  
The Addl. Director General of police (Intelligence), A.P., Hyderabad.  
Sf/sc.

// FORWARDED :: BY ORDER //

SECTION OFFICER (SC)



GOVERNMENT OF ANDHRA PRADESH  
GENERAL ADMINISTRATION (LAW & ORDER-II) DEPARTMENT

CRASH

UNCLASS

WIRELESS MESSAGE

TO : COLLECTOR & DIST.MAGISTRATE,  
KADAPA DISTRICT

REPEAT TO : SUPERINTENDENT, CENTRAL PRISON,  
CHERLAPALLI, R.R.DISTRICT.

DIVISIONAL FOREST OFFICER, WILDLIFE DIVISION,  
RAJAMPET, KADAPA DISTRICT.

THE SUPERINTENDENT OF POLICE, KADAPA DIST.

FROM : CHIEF SECRETARY TO GOVERNMENT

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W.M NO. 42646/L&O-II/A1/2009- , DATED: .12.2009

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REFER THE ORDER OF DETENTION IN REF. C1/869/M/09, DATED 11.12.2009 MADE BY YOU IN RESPECT OF SRI CHAPPIDI MAHESH NAIDU, S/O. RAJU NAIDU, AGED ABOUT 35 YEARS, R/O. CHAPPIDIVANDLA PALLI (V), T.SUNDUPALLI (MD), KADAPA DISTRICT, UNDER ACT NO.1 OF 1986 (.) GOVERNMENT APPROVED THE SAID ORDER OF DETENTION VIDE G.O.RT.NO.\_\_\_\_\_, GENERAL ADMINISTRATION (LAW & ORDER-II) DEPARTMENT, DATED \_\_.12.2009 (.) A COPY OF THE SAME HAS BEEN DESPATCHED SEPARATELY TO THE SUPERINTENDENT, CENTAL PRISON, CHERLAPALLI (.) ARRANGE TO INTIMATE TO THE SAID DETENU THE FACT OF GOVERNMENT APPROVAL OF THE DETENTION ORDER AND REPORT COMPLIANCE (.) MATTER IS MOST IMMEDIATE (.)

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P.C. to go in confirmation.

(Issued as G.O.Rt.No.5972,G.A.(L&O.II) Dept., dated 15-12.2009)  
(Issued as W.M.No.41658/L&O.II/A1/2009-1, dated 16.12.2009)

**11.** It is submitted that the Collector & District Magistrate, Kadapa District has passed an order of detention against Sri Moode Nagaraju Naik S/o.M.Rama Naik, aged 50 years R/o.Mahaboob Basha Street, S.N.Colony, Rayachoty town of Kadapa District under Section 3 (2) of the A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land-Grabbers Act, 1986 (Act No. 1 of 1986).

**12.** Necessary orders have already been issued approving the said detention orders within the time limit prescribed under the said Act.

**13.** Further, according to Section 10 of the said Act, in every case where a detention order has been made under this Act, the Government shall within three weeks from the date of detention of a person under the order, place before the Advisory Board on Preventive Detentions.

**14.** In the instant case, last date for referring the case to Advisory Board in respect of the above person is 21.08.2009. The detenu is lodged at Central Prison, Cherlapalli on **12.12.2009**.

**15.** As such the said case may be referred to Advisory Board for review and to submit its report to the Government within the stipulated period i.e., within seven weeks from the date of detention of the person concerned as per Section 11 (1) of the Act.

**16.** Subject to orders, a draft letter is put up below for approval.





**MOST IMMEDIATE:CONFIDENTIAL**  
**THROUGH SPECIAL MESSENGER**

GOVERNMENT OF ANDHRA PRADESH  
GENERAL ADMINISTRATION (LAW & ORDER.II) DEPARTMENT  
**Letter No. 41658/L&O-II/A1/2009-2, Dated: 17 .12.2009.**

From:  
The Joint Secretary to Government (L&O),  
General Administration Department.

To  
The Chairman,  
Advisory Board on Preventive Detentions,  
Hyderabad. (with enclosures)

Sir,

Sub:- Preventive Detentions - The Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders, and Land Gabbers Act, 1986 (Act No. 1 of 1986) - Detention of Sri Moode Nagaraju Naik S/o.M.Rama Naik, aged 50 years R/o.Mahaboob Basha Street, S.N.Colony, Rayachoty town of Kadapa District - Making a reference to the Advisory Board -Regarding.

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I am directed to state that the Collector & District Magistrate, Kadapa District has passed an order of detention against Sri Moode Nagaraju Naik S/o.M.Rama Naik, aged 50 years R/o.Mahaboob Basha Street, S.N.Colony, Rayachoty town of Kadapa District under sub-section (2) of Section 3 of the A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic offenders and Land-Grabbers Act, 1986 (Act No.1 of 1986), with a view to prevent him from further acting in a manner prejudicial to the maintenance of public order. Government have accorded its approval for the same. Sri Moode Nagaraju Naik S/o.M.Rama Naik, aged 50 years R/o.Mahaboob Basha Street, S.N.Colony, Rayachoty town of Kadapa District has been lodged in the Central Prison, Cherlapalli **on 12.12.2009.**

2. Now, as required under Section 10 of the said Act, the above case is referred to the Advisory Board for consideration and to submit its report to Government, under section 11 (1) of the said Act.

3. The following material papers relating to the said case are enclosed herewith:-

- I. Copies of the detention orders, grounds of detention and relied upon documents.
- II. Copies of the approval of the detention order accorded by the Government.

4. No representation has been received from the detenu so far.

(P.T.O.)

5. I am, therefore to request that suitable date and time convenient to the Advisory Board may kindly be communicated to Government, at an early date, for convening the meeting of the Advisory Board to review the said case.

Yours faithfully,

For JOINT SECRETARY TO GOVERNMENT (L&O)

**Copy to :**

The Members of the Advisory Board on Preventive Detentions (we)  
The Collector & District Magistrate, Kadapa District.  
The P.A. to Chairman, Advisory Board on Preventive Detentions.



(Issued as Lr.No.25918/L&O.II/A1/2009-2, dated 04.08.2009)

It is submitted that the Chairman, Advisory Board on Preventive Detentions has informed over phone to convene the meeting on 12.08.2009 (i.e., on Wednesday) for consideration of the case of Sri Chintakayala Venkata Subba Reddy, S/o. Subba Reddy, detenu, under Act No.1 of 1986. As such, the meeting may be convened at **3.00 PM, on 12.08.2009 (i.e., Wednesday)** in the Conference Hall at Manjira Guest House, Greenlands, Hyderabad and all concerned i.e., the Superintendent, Central Prison, Cherlapalli, the Collector and District Magistrate, Kadapa District, the Members of Advisory Board and Addl. Director (Protocol), may be informed accordingly. The Protocol Dept., may be requested to spare the conference hall at Manjira Guest House and also arrange to serve the light refreshments (Khara, Sweet, Coffee/Tea and soft drinks) for 12 members at the time of the afore said meeting, as per Memo No. 1198/GH.II/91-1, General Admn. (GH.II) Dept., dated 20.03.1991.

Subject to orders, four drafts are submitted below for approval.

CRASH	UNCLASS	WIRELESS MESSAGE
TO	:	COLLECTOR & DISTRICT MAGISTRATE, KADAPA DISTRICT.
REPEAT	:	SUPERINTENDENT, CENTRAL PRISON, CHERLAPALLI, R.R.DISTRICT.
FROM	:	CHIEFSECY, KADAPA DISTRICT.

WIRELESS MESSAGE NO.25918/L&O.II/A1/2009-3, DT.  
06.08.2009

REFER DETENTION ORDER MADE BY YOU UNDER A.P. ACT NO.1 OF 1986 IN RESPECT OF SRI CHINTAKAYALA VENKATA SUBBA REDDY, S/O. SUBBA REDDY, VIDE ORDER OF DETENTION REF. C1/497/M/09, DATED 23.07.2009 AND APPROVAL ORDER ISSUED IN G.O. RT. NO.3794, G.A. (L&O.II) DEPT., DATED 01.08.2009 (.) THE ADVISORY BOARD WILL BE MEETING **AT 3.00 P.M. ON 12.08.2009 (WEDNESDAY) IN THE CONFERENCE HALL, MANJIRA GUEST HOUSE, GREEN LANDS, HYDERABAD** TO REVIEW THE CASE OF THE AFORESAID DETENU (.) ARRANGE TO DEPUTE RESPONSIBLE OFFICERS WHO ARE WELL CONVERSANT WITH THE ABOVE CASE ALONG WITH CONNECTED RECORDS RELATING TO THE DETENTION OF THE DETENU WITH INSTRUCTIONS TO ATTEND THE MEETING OF THE ADVISORY BOARD ON THE SAID TIME, DATE AND VENUE FOR PRODUCTION OF RECORDS, IF CALLED FOR BY THE BOARD ALONG WITH INVESTIGATING OFFICER CONCERNED (.) MATTER IS MOST IMMEDIATE (.)

for CHIEF SECRETARY TO GOVERNMENT

Post copy to go in confirmation.

**MOST IMMEDIATE:**  
**BY SPEED POST:**

GOVERNMENT OF ANDHRA PRADESH  
GENERAL ADMINISTRATION (LAW&ORDER.II) DEPARTMENT

Memo. No. 25918/L&O.II/A1/2009-4, \_\_\_\_\_ Dated \_\_\_\_\_  
06.08.2009

Sub:- Preventive Detention Acts - A.P. Act No.1 of 1986 -  
Kadapa District - Detention of Sri Chintakayala Venkata  
Subba Reddy, S/o. Subba Reddy - Meeting of the  
Advisory Board to review the case - Date, time and  
venue - Intimation - Regarding.

Ref:- 1. From the Collector & Dist. Magistrate, Kadapa  
District order of detention Ref.C1/497/M/09, dated  
23.07.2009.  
2. From the Superintendent, Central Prison, Cherlapalli  
Letter No. CPCh/Dy.Jr(Det)/9530-34, dated  
01.08.2009.

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The attention of the Superintendent, Central Prison, Cherlapalli is invited to the references cited and he is informed that the meeting of the Advisory Board will be held **at 3.00 P.M. on 12.08.2009 (Wednesday)**, in the Conference Hall of Manjira Guest House, Greenlands, Hyderabad, to consider the case of Sri Chintakayala Venkata Subba Reddy, S/o. Subba Reddy, Kadapa District under A.P. Act 1 of 1986.

2. The Superintendent, Central Prison, Cherlapalli is, therefore, requested to arrange to intimate the date, time and venue of the meeting of the Advisory Board to the said detenu, in writing and also arrange to produce him before the Advisory Board on the said time and date, if he desires to be heard by the Advisory Board, under adequate escort without fail. The detenu shall be informed of his right to represent before the Advisory Board by any person of his choice, other than a Lawyer and that it is for him to keep the person ready at the time of the meeting of the Advisory Board. He should also extend all reasonable facilities to the representative of the detenu and also to communicate the same to the person whose assistance he proposes to take before the Advisory Board and report compliance to Government immediately.

3. Matter is most immediate.

V.SAMUEL  
JOINT SECRETARY TO GOVERNMENT  
(L&O)

To  
The Superintendent, Central Prison, Cherlapalli, R.R. Dist.  
Copy to:  
The Collector and District Magistrate, Kadapa District.  
The Excise Superintendent, Kadapa.  
Sf/sc.

//FORWARDED :: BY ORDER//  
SECTION OFFICER (SC)

**MOST IMMEDIATE:**  
**THROUGH SPECIAL MESSENGER:**

GOVERNMENT OF ANDHRA PRADESH  
GENERAL ADMINISTRATION (L&O.II) DEPARTMENT

Letter No. 25918/L&O.II/A1/2009-5, \_\_\_\_\_ Dated 06.08.2009

From  
The Joint Secretary to Government (L&O),  
General Administration (L&O.II) Department,  
A.P. Secretariat,  
HYDERABAD.

To  
The Members,  
Advisory Board on Preventive Detentions,  
Hyderabad.

Sir,

Sub:- Advisory Board - Review of the P.D. case of Sri Chintakayala Venkata Subba Reddy, S/o. Subba Reddy, under Act No.1 of 1986 - Kadapa District - Date and time of the meeting - Intimated.

Ref:- Govt. Lr. No.25918/L&O.II/A1/2009-2, GAD, dt. 04.08.2009.

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I am directed to invite attention to the Government letter cited and to state that the Chairman, Advisory Board on Preventive Detentions has desired to convene the meeting of the Advisory Board at **3.00 P.M. on 12.08.2009 (Wednesday) in the Conference Hall of Manjira Guest House, Greenlands, Hyderabad** to consider the case of Sri Chintakayala Venkata Subba Reddy, S/o. Subba Reddy, under A.P. Act No.1 of 1986.

2. I am therefore to request you kindly to make it convenient to attend the above meeting.

Yours faithfully,

for Joint Secretary to Government  
(L&O)

Copy to:  
The Chairman, Advisory Board on Preventive Detentions, Hyderabad.

GOVERNMENT OF ANDHRA PRADESH  
GENERAL ADMINISTRATION (LAW&ORDER.II) DEPARTMENT

U.O.Note No.25918/L&O.II/A1/2009-6, Dated:  
06.08.2009.

Sub:-Preventive Detention Acts - Convening meeting of Advisory Board **on 12.08.2009 (Wednesday)** - Arrangements to spare Conference Hall at Manjeera Guest House and serving of light refreshments - Regarding.

Ref:- Government Memo. No.1198/GH.II/91-1, General Admn. (GH.II) Dept., dated 20-03-1991.

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It is to inform that the meeting of the Advisory Board on Preventive Detentions under the Chairmanship of Sri Justice T.L.N.Reddy (Retd), will be held at **3.00 P.M. on 12.08.2009 (Wednesday)** to consider Preventive detention cases.

2. The Additional Director, Department of Protocol, Hyderabad is therefore, requested to spare the Conference Hall at Manjira Guest House and also arrange to serve light refreshments (Khara, Sweet, Coffee/Tea and soft drinks) for 12 members at the time of the aforesaid meeting, as per Govt. Memo cited.

V.SAMUEL  
JOINT SECRETARY TO GOVERNMENT (L&O)

To  
The Additional Director, Department of Protocol, Hyderabad.  
Copy to:  
The Deputy Director, Manjira Guest House, Hyderabad.  
The General Administration (GH.II) Department.  
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER (SC)





**19.** The note on earlier pages and the opinion of the Advisory Board at P. 147 c.f. may be perused.

**20.** It is submitted that Collector & D.M., Kadapa District has passed an order of detention against Sri Chintakayala Venkata Subba Reddy, S/o. Subba Reddy, age: 45 years, R/o. Masapeta Reddivaripalli (V), Rayachoty (M) of Kadapa District, who is a “bootlegger” involved in many illegal activities and responsible for continuous disturbance of public order and acting in the manner prejudicial to the maintenance of public order. The above person is presently lodged at Central Prison, Cherlapalli **on 01.08.2009**. The said order of detention has been approved by the Government vide G.O.Rt.No. 3794, G.A.(L&O-II) Dept dt.01.08.2009.

**21.** It is further submitted that as required under Section 10 of the said Act a reference has been made to the Advisory Board within the time limit, for review of the said case and to submit a report thereof to the Government.

**22.** The Advisory Board has met at 3.00 P.M. on 12.08.2009 in the Conference hall at Manjira Guest House, Hyderabad. After due perusal of the grounds of detention, all the connected records, also heard the detenu, who has been produced before them and has tendered the following opinion:

“We are of the opinion that there is sufficient cause for the detention of the detenu, Sri Chintakayala Venkata Subba Reddy, S/o. Subba Reddy”.

**23.** According to Section 12 (1) of the said Act, in any case where the Advisory Board has reported that there is, in its opinion, sufficient cause for the detention of a person the Government may confirm the detention order and continue the detention of the person concerned for such a period not exceeding the maximum period specified in Section 13 as they think fit.

**24.** In this connection, it is submitted that Section 13 of the said Act provide that, the maximum period for which any person may be detained, in pursuance Section 12, shall be 12 months from the date of detention.

**25.** In view of the above position, it is for orders, whether the report of the Advisory Board may be accepted and the order of detention made by the Collector & District Magistrate, Kadapa District may be confirmed and to continue the detention of the said person for a maximum period of 12 months from the date of detention i.e., from 01.08.2009, as per Sec. 13 read with Sec. 12 of the said Act.

Subject to orders on Para (25) above, a draft order is submitted below for approval.

It is submitted that order have been issued in G.O.Ms.No. 251, dated 28.05.2009, among others delegating the powers of Govt. to C.S. to exercise powers in all matters relating to PD cases under the provisions of relevant Acts.

The file may now be submitted to the Chief Secretary to Government for orders on Paras ( 26 & 27) above.

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

The A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986) – Order of detention made by the Collector and District Magistrate, Kadapa District in respect of Sri Chintakayala Venkata Subba Reddy, S/o. Subba Reddy, age: 45 years, R/o. Masapeta Reddivaripalli (V), Rayachoty (M) of Kadapa District - Confirmed – Orders – Issued.

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GENERAL ADMINISTRATION (LAW & ORDER.II) DEPARTMENT

G.O.Rt.No.4008

Dated:17.08.2009.

Read the

following:-

1. Order of detention Ref.C1/497/M/09, dated 23.07.2009 of the Collector & District Magistrate, Kadapa District.
2. G.O. Rt. No. 3794, G.A. (L&O.II) Dept., dated 01.08.2009.
3. From the Advisory Board, Report, dated 12.08.2009.

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ORDER:

WHEREAS the Collector and District Magistrate, Kadapa District, made an order of detention vide reference first read above under Section-3(2) read with Section 2(a) & (b) of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986) in respect of Sri Chintakayala Venkata Subba Reddy, S/o. Subba Reddy, age: 45 years, R/o. Masapeta Reddivaripalli (V), Rayachoty (M) of Kadapa District, with a view to prevent him from further indulging in a manner prejudicial to the maintenance of public order;

2. WHEREAS the Government accorded approval to the said detention order under sub-section (3) of Section-3 of the Act, vide Government orders second read above;

3. WHEREAS the Advisory Board constituted under Section-9 of the said Act, consisting of Sri Justice T.L.N. Reddy (Retired), Chairman and two other Members, reviewed the case on 12.08.2009 and after having heard the detenu and the investigating officers and also after perusing the connected records, reported vide reference third read above that in its opinion “there is sufficient cause for the detention of the detenu, Sri Chintakayala Venkata Subba Reddy, S/o. Subba Reddy”.

4. NOW, THEREFORE, after due consideration of the report of the Advisory Board and the material available on record, Government, in exercise of the powers conferred under sub-section (1) of Section-12 read with Section-13 of the said Act, hereby confirm the said Order of Detention and direct that the detention of Sri Chintakayala Venkata Subba Reddy, S/o. Subba Reddy, detenu, be continued for a period of 12 months from the date of his detention, i.e. 01.08.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA  
PRADESH)

P.RAMAKANTH REDDY  
CHIEF SECRETARY TO  
GOVERNMENT

To

Sri Chintakayala Venkata Subba Reddy, S/o. Subba Reddy, detenu  
through the Superintendent, Central Prison, Cherlapalli, R.R.District.  
(...2.)

:: 2 ::

The Superintendent, Central Prison, Cherlapalli, R.R. District.  
(with instructions to serve the order on the detenu immediately under  
proper acknowledgement and arrange to read over and explain the  
contents therein to the detenu in the language known to him and  
report compliance to Government).

The Collector and District Magistrate, Kadapa District.

The Prohibition & Excise Superintendent, Kadapa.

Copy to:

The Director General of Police, A.P., Hyderabad.

The Director General of Prisons and Correctional Services, A.P.,  
Hyderabad.

The Additional Director General of Police (Intelligence), A.P.,  
Hyderabad.

Sf/sc

//FORWARDED :: BY ORDER//

SECTION OFFICER (SC)

GOVERNMENT OF ANDHRA PRADESH  
GENERAL ADMINISTRATION (LAW & ORDER.II) DEPARATMENT

CRASH

UNCLASS

WIRELESS MESSAGE

TO : COLLECTOR & DISTRICT MAGISTRATE,  
KADAPA.  
  
PROHIBITION & EXCISE SUPERINTENDENT,  
KADAPA  
  
FROM : CHIEF SECRETARY TO GOVERNMENT

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WIRELESS MESSAGE NO. 25918/L&O.II/A1/2009-7, DATED:  
12.10.2009

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REFER YOUR ORDER OF DETENTION REF.C1/497/M/09, DATED 23.07.2009 MADE AGAINST CHINTAKAYALA VENKATA SUBBA REDDY, S/O. SUBBA REDDY, UNDER A.P.P.D. ACT, 1986 (.) THE ADVOCATE GENERAL, ANDHRA PRADESH HAS INFORMED THAT A WRIT PETITION NO. 21298 OF 2009 FILED BY SMT.LAKSHMIDEVI, WIFE OF THE DETENU, CAME UP FOR ADMISSION ON 08.10.2009, AND ADMITTED BY THE HIGH COURT WITH A DIRECTION TO FILE COUNTER AFFIDAVIT (.) THE COLLECTOR & DISTRICT MAGISTRATE, KADAPA DISTRICT IS THEREFORE REQUESTED TO DEPUTE THE CONCERNED INVESTIGATING OFFICER WITH RECORDS, WITH INSTRUCTIONS TO MEET THE ADVOCATE GENERAL AT HIS OFFICE SITUATED IN HIGH COURT PREMISES, HYDERABAD AT 11.00 A.M ON 14.10.2009 FOR DRAFTING THE COUNTER AFFIDAVIT AS DESIRED BY HIM (.) HE IS REQUESTED TO FILE COUNTER AFFIDAVIT ON BEHALF OF GOVERNMENT ALSO (.) REPORT COMPLIANCE (.) MATTER MOST IMMEDIATE (.)

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for CHIEF SECRETARY TO GOVERNMENT

P.C. to go in confirmation.

(Issued as G.O.Rt.No. 4008, G.A.(L&O.II) Dept., dated 17.08.2009)  
(From AG's office Letter No. 848/2009, dated 08.10.2009)

**29.** Please see the letter received from O/o. Advocate General and its enclosures at pp.161-192 c.f.

**30.** The Advocate General has informed that the W.P. No. 21298/2009 filed by Smt. Lakshmid devi, wife of the detenu challenging the order of detention of C&DM, Kadapa under the provisions of Act 1 of 1986 against the detenu, came up for admission before a Division Bench of Hon'ble High Court on 08.10.2009. The Division Bench admitted the W.P. and adjourned the matter by three weeks for filing counter affidavit and hearing and he has requested to direct the C&DM, Kadapa, to depute the concerned Investigating Officer with information and records relating to the above subject matter to meet him at his office situated in High Court premises at 11.00 A.M. on 14.10.2009 for drafting the Counter Affidavit. Hence, the C&DM, Kadapa may be requested accordingly.

**31.** Subject to orders, a draft Wireless Message put up below is for approval.

The reference dated 21.07.2009 received from the Advocate General, High Court of A.P., may kindly be seen at PP.213-216 c.f.

It is submitted that the Advocate General in his letter dated 21.07.2009 has stated that his office issued clarification with regard to the signing of Counter Affidavit by the C&DM, who passed the order of detention in their letter No.629/2007, dated 12.08.2007 (copy enclosed) and further stated that it appear that the then C&DM, Kadapa District, who passed the order of detention declined to sign the Counter Affidavit as he is not presently holding the office of the Collector. He has requested to issue necessary instructions forthwith to all the C&DMs/ CPs and all authorities who are authorized to pass detention orders.

In this connection it is submitted that as ascertained from the O/o. Advocate General, Sri M.Purushottam Reddy, IAS., the then C&DM, Kadapa and presently holding the post of V.C. & M.D., A.P.B.C. Cooperative Finance Corpn., declined to sign the Counter Affidavit on the W.P.No.13076/2009 filed in Hon'ble High Court challenging the order of detention dated 21.05.2009 passed against Sri Pidamarthi Rambabu, S/o. Dada, R/o. Kodad, Kadapa Dist. and his Asst. Govt. Pleader contacted the V.C & M.D., A.P.B.C. Cooperative Finance Corpn., over phone and informed him the legal obligation to sign the counter affidavit, he adamantly refused to sign the Counter Affidavit, unless necessary written instructions are given from the Competent Authority.

The Advocate General in its letter dated 12.08.2007 has stated that the C&DM who is competent to pass the order of detention against the detenu, has to swear to the Counter Affidavit, as the detention order is passed on his subjective satisfaction, based on the material placed before him. Therefore, the officer to swear to the Counter Affidavit irrespective of the fact whether he is transferred and ceased to be the authority to pass detention orders. He has also quoted the following citation of Supreme Court of India (AIR 1974 SC 917):

*"... the proper person to file Counter Affidavit is the District Magistrate who had passed the order of detention under Section 3 of the Act, and if for some good reason, the Magistrate is not available, the next best thing would be to furnish the affidavit of a Senior Officer who personally dealt with the case of the detenu in the Government Secretariat or had put it to the Minister for orders."*

*The Hon'ble Supreme Court further held that:*

*"It is difficult to appreciate why in return to a rule nisi in a Habeas Corpus motion, it is not thought serious enough even where liberty of a*



*citizen is choked off, to get the District Magistrate to explain his subjective satisfaction and the grounds therefore. Not even why he is not available nor the next best, the oath of a Senior Officer in the Secretariat who had been associated with the handling of the case at Government level. Mechanical affidavits by some one handy in the Secretariat cannot be regarded. This is not a mere punctionlio procedure, but probative requirement of substance”.*

The Advocate General has further stated that in view of the above, the subjective satisfaction of the C&DM is the main criteria and the C&DM who passes the order of detention against a person, whether he is in the office or transferred from the post and is working in some other capacity has to swear to the Counter Affidavit. If the officer who passed the order or detention is not available at all, then only the Counter Affidavit can be sworn to by a senior officer who dealt with the file in the Secretariat.

The Advocate General has, therefore, requested the Government to issue necessary instructions to all the C&DMs/ CPs forthwith accordingly and also stated that the said W.P. is listed for filing Counter Affidavit and hearing on 30.07.2009.

In this connection it is also submitted that earlier in the case of Sri Guggula Balija Narasimhulu, detenu instructions were issued to Smt. Y.V.Anuradha, IAS., Director, W&D CW., and the then C&DM, Anantapur who was refused to sign the Counter Affidavit as she was transferred vide Memo.No.35252/L&O.II/A1/2006-7, dated 15.12.2006.

In view of the position indicated above, it is for orders whether Sri M.Purushotham Reddy, IAS., VC & MD, A.P.B.C.Cooperative Finance Corporation the then C&DM, Kadapa may be directed to sign the counter affidavit keeping in view the legal position explained by the Advocate General and necessary instructions may be issued to all C&DMs/CPs accordingly.

BY FAX

GOVERNMENT OF ANDHRA PRADESH  
GENERAL ADMINISTRATION (LAW AND ORDER.II) DEPARTMENT

Memo. No.17570/L&O.II/A1/2009-8, Dated  
25.07.2009.

Sub: Preventive Detention - Habeas Corpus W.P.No. 13076/2009 filed by Smt. Pidamarthi Vasantha Kumari, for the release of her husband Sri Pidamarthi Rambabu, Counter Affidavit to be signed and filed by the detaining authority (Sri M.Purushottam Reddy, IAS) Directions - Issued.

Ref: From the Advocate General, High Court of Andhra Pradesh, Letter dated 21.07.2009.

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Sri M.Purushottam Reddy, IAS., V.C. & M.D., A.P.B.C. Cooperative Finance Corporation, Andhra Pradesh, Hyderabad and former Collector and District Magistrate, Kadapa who was the detaining authority in respect of the order of detention made against Sri Pidamarthi Rambabu, S/o. Dada, R/o. Kodad (Village & Mandal) of Kadapa District, is directed to sign the counter affidavit on W.P.No.13076/2009 for filing the same before the Hon'ble High Court of Andhra Pradesh though he is not working as the Collector, Kadapa District at present, as per the judgement of Hon'ble Supreme Court of India in AIR 1974 SC 917..

P. RAMAKANTH REDDY  
CHIEF SECRETARY TO  
GOVERNMENT

To  
The V.C. & M.D.,  
A.P.B.C. Cooperative Finance Corpn.,  
Andhra Pradesh, Hyderabad **(in Name Cover)**

Copy to:

The Advocate General, High Court of A.P., with reference to his letter, dated 21.07.2009.

The Collector & District Magistrate, Kadapa for necessary action.  
SC

//FORWARDED :: BY ORDER//

SECTION OFFICER (SC)

GOVERNMENT OF ANDHRA PRADESH  
GENERAL ADMINISTRATION (L&O.II) DEPARTMENT

Cir.Memo.No.17570/L&O.II/A1/2009-9, Dated 25.07.2009.

Sub: Preventive Detention - Habeas Corpus Petitions filed before the Hon'ble High Court challenging the orders of detention passed by the Detaining Authorities - Sign the Counter Affidavit -Directions - Issued.

Ref: From the Advocate General, High Court of Andhra Pradesh, Letter dated 21.07.2009.

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The Preventive Detention is a very extraordinary power conferred on the State. In the case of preventive detention, a person forfeits his liberty-which is one of the most cherished fundamental rights of a citizen-in public interest. In many cases Habeas Corpus Petitions are being filed before the Hon'ble High Court of Andhra Pradesh challenging the orders of detentions passed by the Detaining Authorities.

It is noticed that some of the officers, who passed the orders of detention and later on transferred to some other post, are refusing to sign Counter Affidavits.

The Advocate General, High Court of Andhra Pradesh in this regard has informed that the Collector & District Magistrate, who is competent authority to pass the order of detention against the detenu, has to swear to the Counter Affidavit, as the detention order is passed on his subjective satisfaction, based on the material placed before him. Therefore, the officer to swear to the Counter Affidavit irrespective of the fact whether he is transferred and ceased to be the authority to pass detention orders. He has also quoted the following citation of Supreme Court of India (AIR 1974 SC 917):

*"... the proper person to file Counter Affidavit is the District Magistrate who had passed the order of detention under Section 3 of the Act, and if for some good reason, the Magistrate is not available, the next best thing would be to furnish the affidavit of a Senior Officer who personally dealt with the case of the detenu in the Government Secretariat or had put it to the Minister for orders."*

*The Hon'ble Supreme Court further held that:*

*"It is difficult to appreciate why in return to a rule nisi in a Habeas Corpus motion, it is not thought serious enough even where liberty of a citizen is choked off, to get the District Magistrate to explain his subjective satisfaction and the grounds therefor. Not even why he is not available nor the next best, the oath of a Senior Officer in the Secretariat who had been associated with the handling of the case at Government level. Mechanical affidavits by some one handy in the Secretariat cannot be regarded. This is not a mere punctionlio procedure, but probative requirement of substance".*

In view of the above, the subjective satisfaction of the C&DM is the main criteria and the Collector & District Magistrate, who passes the order of detention against a person, whether he is in the office or transferred from the post and is working in some other capacity has to swear to the Counter Affidavit. If the officer, who passed the order of detention is not available at all in any capacity in this State, then only the Counter Affidavit can be sworn to by a senior officer who dealt with the file in the Government.

(....2.)

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All the Collectors & District Magistrates/ Commissioners of Police are, therefore, requested to sign the Counter Affidavits on the Habeas Corpus Petitions filed before the Hon'ble High Court challenging the orders of detentions passed by the detaining authorities, though they are working in any capacity other than the posts of Collectors & District Magistrates/ Commissioners of Police in which capacity order of detention is passed.

P.RAMAKANTH REDDY  
CHIEF SECRETARY TO  
GOVERNMENT

To  
All the Collectors & District Magistrates in the State.  
All Commissioners of Police in the State.  
Copy to:  
The Director General of Police, A.P., Hyderabad.  
The Advocate General, High Court of A.P., Hyderabad.

//FORWARDED :: BY ORDER//

SECTION OFFICER (SC)